

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ZWANENBERG FOOD GROUP (USA) INC.,

Plaintiff,

C.A. No. 08-329-SLR

v.

TYSON REFRIGERATED PROCESSED
MEATS, INC.,

JURY TRIAL DEMANDED

Defendant.

**DEFENDANT TYSON REFRIGERATED PROCESSED MEATS, INC.'S
MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS**

Defendant Tyson Refrigerated Processed Meats, Inc. ("Tyson") respectfully moves this Court pursuant to Fed. R. Civ. P. 12(c) for an Order granting judgment on the pleadings with respect to Count III of Zwanenberg Food Group (USA), Inc.'s Complaint. The grounds for this Motion are set forth in Defendant's Opening Brief in Support of its Motion for Partial Judgment on the Pleadings, filed contemporaneously herewith.

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By: /s/ W. Harding Drane, Jr.

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879316/32021-001

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Meats, Inc.*

CERTIFICATE OF SERVICE

W. Harding Drane, Jr., hereby certifies that, on the 21st day of August, 2008, he caused to be filed, with the United States District Court, District of Delaware, an electronic version of the within document, and to be served, via electronic email and by Hand Delivery upon the Delaware counsel of record identified below:

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